

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 428 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

1 to 5 : No

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BALDEVJI BACHUJI

Versus

STATE OF GUJARAT

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Appearance:

MS KD PARMAR for Petitioner

MR BD DESAI, ADDL.PUBLIC PROSECUTOR for Respondent No. 1

NOTICE NOT RECD BACK for Respondent No. 2, 3

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CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 23/04/96

ORAL JUDGEMENT

Rule. Learned Government Counsel Mr.B.D.Desai waives the service of Rule on behalf of the respondent no.1-the State.

The petition requires a recognition. The prisoner has been denied his due furlough. The present petition came to be filed when his furlough application

was pending before the concerned authority. But, now learned Government Counsel notifies that, the said application for furlough has been rejected by the authority concerned, vide orders dated April 22, 1996. As usual, two grounds are pressed in service for the orders of rejection. It is stated that, there is no surety and secondly that, there has been an adverse police opinion. The second ground does not appear to be a reasoned one in eye of law. The furlough cannot be denied because of the adverse police opinion. If the prisoner had sent the application without the name of the surety, this could be done at this juncture also. The present petition stands allowed. The prisoner is granted furlough for a period of two weeks. The I.G. Prisons is directed to release the prisoner on the said furlough after completion of the requisite formalities. The surety could be presented before the concerned authority so that the furlough aspect of the matter could be taken care of. Rule is made absolute accordingly. Direct service is permitted.

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